

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 12, 1974
1:00 P.M.Council Chambers
301 West Second Street

The meeting was called to order with Mayor Butler presiding.

Roll Call:

Present: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love

Absent: None

The Invocation was delivered by REVEREND HARWELL NORRIS, St. Andrews Presbyterian Church.

NAMING OF DRILL TOWER

Mayor Butler read and then presented a resolution signed by the Council to Mrs. James Buford naming the drill tower built in 1930 the CAPT. JAMES L. BUFORD MEMORIAL DRILL TOWER. It was noted that Captain Buford was a veteran firefighter in the Austin Fire Department who gave his life in an effort to save the lives of others on June 17, 1972. Mrs. Buford thanked the Council and introduced her three children.

EXECUTIVE SESSION ACTION

Mayor Butler noted that the Council had been in an Executive Session earlier that day and that appointments were discussed and were now before the Council for action.

Municipal Court Judge

Councilman Binder moved that the Council appoint JERRY HARRIS as the new Municipal Court Judge. The motion, seconded by Councilman Friedman, carried by the following vote:

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The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann, Mayor Butler
Noes: None

Plumbing Code Board of Appeals

Councilman Handcox moved that the Council appoint the following to the Plumbing Code Board of Appeals:

Mr. Don Kyleberg	Mr. Larry Zunker
Mr. R. Don Emerson	

and reappoint the following:

Mr. Jimmie Middleton	Mr. Frank Gerling
Mr. Richard Andrewartha	Mr. John Kavanaugh

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann, Mayor Butler
Noes: None

Energy Conservation Commission

Councilman Lebermann moved that the Council reappoint the following to the Energy Conservation Commission:

Mr. Mac Holder	Col. T. C. Pinckney
Mr. Chuck Hrcir	Mr. Earl Podolnick
Mr. Royce Faulkner	Mr. Conwell Smith

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love
Noes: None

Municipal-Citizens Traffic Safety Commission

Councilman Dryden moved that the Council reappoint the following to the Municipal-Citizens Traffic Safety Commission:

Dr. Clyde Lee	Mr. Doug Nichols
Mr. J. C. Alsup	Mr. Bill Nolen
Mr. George Gustafson	Mr. John Gray
Mr. G. H. Oldenburgh	Mr. Brad Smith

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilman Binder
Noes: None

RECOGNITION

Mayor Butler took this opportunity to recognize students from Anderson High School and a student from Travis High School.

APPROVAL OF MINUTES

Councilman Friedman moved that the Council approve the Regular Meeting Minutes of December 5, 1974. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

HEARING ON RECOMMENDATIONS OF ENERGY CONSERVATION COMMISSION

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on recommendations of the Energy Conservation Commission concerning:

1. Contingency Plan for Energy Reduction
2. Energy Efficiency Ratio for Air Conditioners.

MR. BARRY GILLINGWATER, member of the Commission, stated that the purpose of the Contingency Plan was to provide guidance and recommendations for the Council's action to obtain maximum savings of electricity, gas, and related forms of energy while continuing to support those essential functions necessary for the health and welfare of the citizens of Austin. He added that in preparing this they recognized the need for maintaining economic stability by reducing hours of operation.

MR. MAC HOLDER, member of the Commission, reviewed the three basic phases:

1. Phase I - Voluntary Reduction
 - a. Commercial, Institutional and Industrial Customers
 - b. Residential Customers
2. Phase II - Voluntary Curtailment
 - a. Commercial, Institutional and Industrial Customers
 - b. Residential Customers
3. Phase III - Legislated Curtailment
 - a. Measures for Commercial, Institutional and Industrial Customers
 - (1) 30% reduction in energy availability

- (2) 40% reduction
- (3) 50% reduction
- b. Measures for Residential Customers
 - 30% reduction
- c. Exemptions
 - (1) Medical and pharmaceutical services
 - (2) Law enforcement
 - (3) Communications
 - (4) Pumping and treatment facilities
 - (5) Security lighting
 - (6) Specified governmental agencies

Mr. Holder stated that the Commission had a hearing on this and gave its unanimous approval of this document and requested the Council's approval.

MR. BOB ROBBINS, Management Consultant for Computer Operations, addressed himself to several issues concerning Phase III. He commented that computer equipment was handled on a 24-hour per day, 7-day per week operation; and they could not afford to shut down. He also noted that they required a cool temperature, and there were some buildings whose air conditioning was on the same system.

In response to this, Mr. Holder stated that they were not trying to eliminate the concise temperature for such operations; but he added that if they had to run the air conditioners, they would have to cut down on other things.

Mr. Robbins also stated that the computer was very sensitive to transiency and suggested that the data processing industry be made aware. He submitted that unless they had some back-up system, they would be "hurting."

Mr. Holder commented that cyclic loading was the last effort next to shutting down and added that if the air conditioners were to be shut off in commercial buildings, they would be shut off all over town. He noted that they were trying to be as fair with everyone in Austin as they could.

In response to Mr. Robbins' question concerning two separate feeder lines, Mr. Gillingwater stated that if it reached the stage of cyclic loading, there would be no electricity at any price because there would be none. Mr. Gillingwater thanked Mr. Robbins for the benefit of his thoughts.

DR. ARCHIE STRAITON, Professor of Electrical Engineering and Chairman of the Electrical Codes and Performance Committee of the Commission, reviewed the second portion of the proposal concerning the Energy Efficiency Ratio (EER) for Air Conditioners. He noted that in Austin air conditioners accounted for some 50% of the summertime load on the electric system; and it was, therefore essential that only the most efficient air conditioners on the market be employed in new installations of central units in Austin. He stated that the EER was an indicator which measured a unit's efficiency in succinct terms. He indicated that the higher the EER, the more efficiently the air conditioner will perform and that individual air conditioners or central cooling units with high EER's were more expensive to buy but save operating costs in the long run.

He suggested that consumers make their purchase according to the following guide:

<u>EER</u>	<u>Rating</u>
9 or over	Tops
8 to 9	Very Good
7 to 8	Good
6 to 7	Fair
Below 6	Poor

He stated that voluntary standards had been recommended by the Commission, and it was their desire that the entire electric service area be included by the proposed legislation:

<u>Requirement</u> <u>Effective Date</u>	<u>Up to 65,000 BTU</u> <u>(5 Tons)</u>	<u>65,000 - 134,000 BTU</u> <u>(5 - 11 Tons)</u>	<u>134,000 BTU</u> <u>(11 Tons and over)</u>
January 1, 1975	6.0 EER	6.5 EER	7.5 EER
January 1, 1976	6.5 EER	7.0 EER	7.5 EER
January 1, 1977	7.0 EER	7.5 EER	8.0 EER

He noted that under their proposal, only those units were applicable whose installation must be inspected and approved by the Building Department. He added that window units were not included in this because there was no practical method of enforcing this requirement. He pointed out that there would be a saving in electric bills if more efficient window units were purchased.

In response to Councilman Friedman's question as to whether or not this would place an undue burden on the purchaser to have these requirements, Dr. Straiton stated that it was his understanding that practically every company could supply the units at the present time which would meet these standards.

MR. LARRY ZUNKER, President of the Austin Chapter of ASHRAE (American Society of Heating, Refrigeration, and Air Conditioning Engineers), noted that after receiving the input from the Commission on the development criteria of this proposal, the Chapter endorsed this as workable and desirable.

In response to Mayor Pro Tem Love's question, City Manager Davidson recommended approval of both portions of the proposal with the understanding that the final stage of the Contingency Plan would be subject to very detailed work conducted by the Electric Department in connection with customers in Austin's service area.

Councilman Friedman felt that the Commission had come up with very viable solutions to the energy problem and had brought Austin up to the point that it was the most advanced city in Texas in laying out contingency plans for electric short cuts.

Councilman Friedman moved that the Council close the public hearing; adopt a resolution accepting and adopting the Contingency Plan for the reduction of energy consumption in the metropolitan area of Austin, Texas; and authorize the staff to bring back an appropriate document for the Energy Efficiency Ratio for Air Conditioners at the earliest date. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman
Noes: None

HEARING ON AMENDMENT TO SIGN ORDINANCE

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on an amendment to the Sign Ordinance. It was noted that a delay had been requested, and City Manager Davidson stated that he had asked for the delay because the Council not only instructed the staff to design an ordinance but also to notify the public and the organizations and individuals who were interested in speaking to the ordinance or in having a copy of it. He pointed out that they did not complete the ordinance until Monday, and many interested citizens did not have a copy of it until Tuesday or Wednesday. He stated that he had received communication from Ms. Joyce Klein, who had originally made the request to the Council; and she suggested that the Council hear this some time around the third Thursday in January.

In response to Councilman Binder's comment that the requested date seemed like a long time, City Manager Davidson suggested 10 days or two weeks so that the public could be heard. In response to Mr. Davidson's question as to whether or not there could be a hold on any new permits until the Council could fully consider the ordinance, Mr. Richard Tulk, Assistant City Attorney, stated that there could be a temporary resolution freezing the issuance of permits; but he did not recommend that it go on more than a couple of weeks in that it could not be a permanent solution.

There was discussion by the Council concerning the date for the next hearing, and Ms. Klein commented that later in January would be better.

Councilman Friedman moved that the Council recess the hearing until January 23, 1975, and place a moratorium on the issuance of permits for any billboard or sign within 660 feet of the right-of-way limits of MoPac. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman, Handcox
Noes: None

HEARING TO CONSIDER ANNEXATION

Mayor Butler opened the public hearing scheduled for 1:00 p.m. to consider the annexation of the following:

381.90 total acres of land;

1. 363.35 acres of land out of the Henry P. Hill League, unplatted and portion of proposed MoPac Boulevard, (Tract 1 - 319.53 acres requested by Scudder & Wadsworth, Architects, representing Jagger Associates, Inc., owner; Tract 2 - 43.82 acres initiated by the City.)
2. 18.55 acres of unplatted land. (Requested by Scudder & Wadsworth, Architects, representing Jagger Associates, Inc., owner.)

Mayor Pro Tem Love moved that the Council close the public hearing and direct the administration to institute annexation proceedings to annex the afore-mentioned. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Handcox, Lebermann
Noes: None

TAX APPEALS

Mayor Butler opened the consideration of tax appeals scheduled for 1:00 p.m. It was noted that they had been postponed from December 5, 1974, due to the absence of Councilmen. Councilman Friedman moved that the Council uphold the decision of the Board of Equalization in the following cases:

1. Charles Wendlandt by Walter Wendlandt
2. F. W. Woolworth Company by R. J. Timbo
3. Daylin Inc. - Gulf Mart Division by R. J. Timbo
4. William R. Bright & James R. Irion III by James R. Irion

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman, Handcox,
Lebermann, Mayor Butler
Noes: None

Mr. Jack Klitgaard, Tax Assessor-Collector, noted that this concluded the tax appeals before the Council.

ZONING DENIED

Mayor Butler opened the public hearing scheduled for 1:00 p.m. on the zoning case scheduled for this time. Pursuant to published notice thereof, the following zoning application was publicly heard:

CLIFFOR BRIGGS
By Fred D. Mann
C14-74-128

1814 Maple Avenue
also bounded by
East 19th Street

From "A" Residence
To "O" Office
RECOMMENDED by the Planning
Commission, subject to a
6-foot privacy fence along
the southern boundary where
adjacent to "A" Residence

Mr. Tulk noted that a valid petition had been filed by the property owners in opposition to the application and would require 6 votes to grant the change. Mr. Fred Mann, representing the applicant, stated that 19th Street was a major thoroughfare and that all the property located south of 19th was already zoned "C" Commercial District or higher. He noted that this property was located between a service station and meat market. He submitted that this would provide a worthwhile service for the citizens of Austin, would eliminate some vacant property in Austin, and would add to the tax rolls of the City.

Councilman Binder moved that the Council deny the zoning change. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox

Noes: Mayor Butler, Mayor Pro Tem Love

Not in Council Chamber when roll was called: Councilman Lebermann

The Mayor announced that the change had been DENIED.

WITHDRAWAL OF CONTRACT AGREEMENT

The possible authorization of the City Manager entering into an agreement with Mr. Michael Grelle to farm designated Airport areas was withdrawn.

CASH SETTLEMENT

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing cash settlement as follows:

CANNON DEVELOPMENT CORPORATION, Mr. Gene Meek, Vice President,
and N H P PROPERTIES, Bill Stringer - 60/40% cash settlement
in lieu of refund contract for installation of wastewater main in
N H P Lamar Addition. Total cost: \$4,399.61; City's
share at 60%: \$2,639.77.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler, Mayor
Pro Tem Love

Noes: Councilmen Friedman, Binder

CONTRACTS AWARDED

Councilman Lebermann moved that the Council adopt a resolution awarding the following contracts:

Bid Award:	- Fire Nozzles and Hoses, Fire Department
LOREY'S FIRE PROTECTION 4407 Sinclair Austin, Texas	- Items 4 and 5 - \$24,262.81
HOWE FIRE APPARATUS COMPANY 809 Anderson Corpus Christi, Texas	- Items 1, 2 and 3 - \$4,131.25
AUSTIN CARBONIC COMPANY 501 East Third Street Austin, Texas	- Item 6 - \$460.80

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

NATIONAL LINEN SERVICE 310 Comal Street Austin, Texas	- Uniform Rental & Laundry Service Twelve-Months' Supply Agreement Items 1.0 through 4.0 - \$14,954.16
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The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

ERISTOL DIVISION 7701 Parnell Street Houston, Texas	- Telemeter Equipment, Water and Wastewater Department Items 1, 2, 3 - 23 ea. @ \$365.00 4, 5, 6 - 23 ea. @ \$475.00 7, 8, 9 - 3 ea. @ \$365.00 10, 11, 12- 3 ea. @ \$714.00 Total - \$22,557.00
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The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

LIBRARY BUREAU DIVISION OF
REMINGTON RAND
3309 Richmond Avenue
Houston, Texas

- Library Shelving, Library Department
Items 1-12 - \$10,117.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

HOFMANN PAINT
MANUFACTURING COMPANY
312 Industrial Boulevard
Austin, Texas

- Traffic Pavement Marking Paint,
Urban Transportation Department
Items 1 and 2 - \$39,000.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

SOUTHWAY ELECTRIC UTILITY
SERVICE, INC.
3201 Longhorn Boulevard
Austin, Texas

- 10" Suspension Insulators for
Electric Department
Item 1; 1,200 @ \$7.12 ea.
Total - \$8,544.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

A. B. CHANCE COMPANY
12317 Almeda Road
Houston, Texas

- Steel Transmission Line Structures,
Electric Department
Item 1 - \$22,456.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

JIM WOODMANSEE
CONSTRUCTION COMPANY
7233-B Manchaca Road
Austin, Texas

- For construction of concrete driveway
at Salem Walk Substation -
\$12,098.42

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

THOMAS BROTHERS
CONSTRUCTION COMPANY, INC.
3400 East First Street
Austin, Texas

- For construction of Electric Duct-
line and Concrete Foundations at
Kingsbery Substation - \$40,407.15

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

E. E. STUESSY COMPANY, INC.
2716 East Fifth Street
Austin, Texas

- For construction of Highway 290
Interchange Ductline - \$18,360.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

BRUCE LUCKIE CONSTRUCTION
6735 Highway 290
Austin, Texas

- For Street and Drainage Improvements to Springdale Road from East 5th Street to Airport Boulevard.
C.I.P. Project No. 6252 0 -
\$172,921.45

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

JACK A. MILLER, INC.
11011 Research
Austin, Texas

- For Govalle Wastewater Treatment Plant Site Improvements, Phase II,
C.I.P. Project No. 5914 0 -
\$67,433.95

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

UNDERGROUND UTILITIES
P. O. Box 2061
Austin, Texas

- For installation of 24" C.S.C. water main (Phase I of William Cannon Drive) C.I.P. Project No. 4071 2 - \$116,546.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

Councilman Lebermann moved that the Council adopt a resolution awarding the following contract:

AUSTIN TRUCK & MACHINERY
7511 North Interregional
Austin, Texas

- Truck Tractors, Vehicle & Equipment Services Department
Item 1; 3 ea. @ \$28,700.00
3; 1 ea. @ \$37,500.00
Total - \$123,600.00

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

SOILS INVESTIGATION SERVICES

Councilman Binder moved that the Council select the firm of SHILSTONE ENGINEERING TESTING LABORATORY, INC. for soils investigation services in connection with the following Capital Improvements Projects:

1. Seaholm Plant to West Substation - Circuit 862, C.I.P.
Project No. 1511 2.
2. West Substation to Warren Substation - Circuit 864, C.I.P.
Project No. 1511 6.
3. Warren Substation to Northland Substation - Circuit 866,
C.I.P. Project No. 1511 5.

The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro
Tem Love, Councilmen Binder, Dryden, Friedman

ENGINEERING TESTING SERVICES

Mayor Pro Tem Love moved that the Council select the firm of TRINITY TESTING LABORATORIES, INC. for engineering testing services in connection with the following Capital Improvements Project:

A. R. Davis Water Treatment Plant - 1974 Phase III
Expansion, C.I.P. Project No. 4914 0.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman, Handcox
Noes: None

ACCEPTANCE OF GRANT AWARD FOR AUSTIN RAPE CRISIS CENTER, INC.

Councilman Lebermann moved that the Council adopt a resolution authorizing the City Manager to accept a grant award from the Texas Criminal Justice Division for the project entitled, "Austin Rape Crisis Center, Inc." Criminal Justice Division support will be \$20,000.00, and local cash contribution will be \$5,000.00. The project will extend from October 1, 1974, through September 30, 1975. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder, Dryden,
Friedman, Handcox, Lebermann
Noes: None

ADOPTION OF REVISED DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AFFIRMATIVE ACTION REGULATIONS

Mayor Pro Tem Love moved that the Council adopt a resolution adopting the Revised Department of Housing and Urban Development Affirmative Action Regulations which would include the following;

1. The City must provide employment and training opportunities to the greatest extent feasible to Model Neighborhood residents.
2. Department of Housing and Urban Development-funded City contractors must provide the City a statement explaining what the contractor's manpower needs will be so that the Community Development Office can monitor hiring practices.
3. The City must utilize minority-owned businesses in HUD contracts to the greatest extent feasible.

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann, Mayor Butler
Noes: None

HEARING SET CONCERNING HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

The Council had before it the setting of a hearing for December 19, 1974, at 1:00 p.m. to ascertain the needs of citizens in Austin for physical and social services improvements eligible under the "Housing and Community Development Act of 1974." There was mention of delaying the hearing for two or three weeks. Mr. Fran Szarejko, Acting Director of the Community Development Office, noted that the planning deadline of the application was April 15; and it must be completed and approved or rejected by CAPCO by March 1. As a result, he submitted that February 20 was the cut off date for Council approval, indicating a completion of the plan around the first week of January. He recommended holding the hearing in December.

Councilman Friedman moved that the Council set a hearing for December 19, 1974, at 3:30 p.m. to ascertain the needs of citizens in Austin for physical and social services improvements eligible under the "Housing and Community Development Act of 1974." The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Binder, Dryden, Friedman, Handcox, Lebermann,
Mayor Butler, Mayor Pro Tem Love
Noes: None

ACQUISITION OF RIGHT OF WAY FOR WEST 38TH STREET

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing eminent domain proceedings for acquisition of right of way for West 38th Street:

1,625 square feet out of Lot 6, Block 5, Buddington's
Subdivision of part of Outlot 76. (Anne W. Lawson and
Roy D. Lawson)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

ACQUISITION OF RIGHT OF WAY FOR BARTON SKYWAY

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing eminent domain proceedings for acquisition of right of way for the extension of Barton Skyway:

3.40 acres out of the Henry P. Hill Survey No. 21.
(Horseshoe Bend Joint Venture)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

ACQUISITION OF LAND FOR BARTON CREEK PARK

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing eminent domain proceedings for Barton Creek Park:

69.63 acres out of the Henry P. Hill Survey No. 21.
(Horseshoe Bend Joint Venture)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing eminent domain proceedings for Barton Creek Park:

10.11 acres of land out of the Henry P. Hill Survey No. 21.
(Charles F. Dellana et al)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder

Noes: None

ACQUISITION OF RIGHT OF WAY FOR CLIFFORD AVENUE

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing eminent domain proceedings for the acquisition of right of way for Clifford Avenue:

2,100 square feet of land out of Lot 14, Henry Ulit's
Unrecorded Subdivision of Outlot 28, Division B, Government
Outlots. (Eugene Roberts)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR PAVING CLIFFORD AVENUE

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for paving Clifford Avenue:

2,090 square feet of land out of Lot 22, Henry Ulit's
Unrecorded Subdivision of Outlot 28, Division B, Government
Outlots. (James C. Lesikar et ux)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR ALAMO PARK

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of land for Alamo Park:

2000 East 21st Street (Sam Wilson)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR MOPAC EXPRESSWAY

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for the MoPac Expressway:

8201-8319 Balcones Drive (R. Wayne Moore)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for the MoPac Expressway:

3015 Anderson Lane (Mildred Hancock)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR WIDENING WEST 38TH STREET

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for widening West 38th Street from Crawford to Guadalupe Streets:

469 square feet of land out of Lot 1, Lee Subdivision,
(Ethel Brown, a widow)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR WIDENING RUNDBERG LANE

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for widening Rundberg Lane from North Lamar Boulevard to Guadalupe Street:

2 tracts of land out of Lot 1, Johnson Subdivision
(Theo F. Johnson et ux)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

ACQUISITION OF LAND FOR MUNICIPAL ANNEX

Mayor Pro Tem Love moved that the Council adopt a resolution authorizing acquisition of certain land for the Municipal Annex:

200-222 West First Street (Aaron Kruger, Trustee)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann, Mayor
Butler, Mayor Pro Tem Love, Councilman Binder
Noes: None

DEDICATION OF CITY-OWNED PROPERTY

Councilman Binder moved that the Council adopt a resolution approving the dedication of certain City-owned property (East 12th and Hargrave Streets) for street right-of-way purposes. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love, Councilmen Binder, Dryden
Noes: None

AFFIRMATIVE ACTION POLICY STATEMENT AND DISCRIMINATION COMPLAINT PROCEDURES

It was noted that the Council had before it for consideration two elements of the Equal Employment Opportunity Program:

1. Affirmative Action Policy Statement
2. Discrimination Complaint Procedures

Councilman Handcox pointed out that copies of the Program had been distributed.

Councilman Friedman addressed himself to several issues in the report. He suggested that under the responsibilities of the City Manager for the Affirmative Action Plan there should perhaps be a requirement that the City Manager report to the Council and possibly the Human Relations Commission on a quarterly basis on the progress, complaints, and the disposition of those complaints.

In response to this, Mr. Jimmie Flakes, EEO compliance representative, pointed out that under the section on Blueprint for Affirmative Section on Page 24 there was a stipulation for reports to be submitted on at least a quarterly basis. In response to Councilman Friedman's question as to whether or not these would be submitted to the Council or Human Relations Commission, Mr. Flakes stated that any reports referred to Personnel would be forwarded to the City Manager and would be available to the Council upon request. Councilman Friedman suggested that there should be no need for a request to be made in that they should be sent to the Council without their having to ask.

City Manager Davidson indicated that he saw no problem with such a request and stated that he would even be pleased to send them to the Commission; however, he did not feel that the Commission had a responsibility for personnel under this or any other program.

On Page 4 of the Policy Statement for the Affirmative Action Plan pertaining to Department Heads and Officers, Councilman Friedman felt that there should be some sort of time limit as to when they could define what their actions would be and when they planned to accomplish them. He suggested that a report should be submitted in 90 to 120 days so that they would have a set time frame to know when they must comply.

City Manager Davidson stated that the Council could request that of the staff after the first report to the Council in that he did not know how long it would take in some of the departments. Councilman Friedman suggested that the time limit could always be extended or the policy changed. He requested that the report be completed within 90 to 120 days. Councilman Handcox felt that with the Blueprint format already spelled out, a shorter amount of time would be required and suggested that this be done in a specified period of time.

City Manager Davidson stated that he would like to come back in 30 days with an estimate as to when the departments could have it done. He suggested that the Council could pass a new motion requiring the Manager have the report complete within 3 to 6 months after hearing the progress. Councilman Handcox felt that 90 to 120 days was not unreasonable. Mr. Davidson stated that if the Council wanted the City Manager to come back in a certain amount of time with a report, he would be happy to comply; and if he needed more time to work out some of the details, he would ask.

Under the Blueprint for Affirmative Action on Page 2, Councilman Friedman pointed out that the quote from the Executive Order 11246, dated September 24, 1965, had been amended as follows:

'The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin, or sex,.'

He requested that when the final copy was prepared, this be changed to reflect the amendment.

Under the Complaint Procedures on Page 7, Councilman Friedman addressed himself to Item No. 7 which states that no employee shall be discriminated against as a result of filing a complaint or participating in the investigation of a complaint. He wanted to know where the employee could go if he was discriminated against for this reason. He felt that this was "going around in circles." He suggested that if this happened, the employee could either direct his appeal to the Manager or the Personnel Director. Mr. Flakes pointed out that during the course of any appeal, the City Manager and Personnel Director were involved.

The City Manager expressed his appreciation for the input provided by Councilman Handcox and complimented Mr. Flakes and Ms. Andrea Beatty, Personnel Director, in developing this program.

Ms. Kay Bieberdorf, President of Texas Women's Equity Action League, complimented everyone for all the work done and concurred with Councilman Handcox's and Friedman's feelings regarding length of time given for department heads in submitting their plans.

Councilman Handcox moved that the Council adopt a resolution adopting the Affirmative Action Policy Statement and Discrimination Complaint Procedures with the following stipulations:

1. Council receive quarterly report from Manager.
2. First report to be submitted in 60 days.
3. Change in wording of Executive Order as quoted on Page 2 of Blueprint Section.

The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro
Tem Love, Councilmen Binder, Dryden, Friedman
Noes: None

Mr. Matt Garcia, member of the Human Relations Commission, did not see any problem in the Manager's reviewing this within 60 days.

ITEM CONCERNING CLARKSVILLE AREA

Dr. Rey Parkins, Professor, Graduate School in Community and Regional Planning, appeared before the Council to speak on behalf of the Clarksville Community Council and to present the historic preservation plan for the Clarksville area. He noted that they had put together this plan because of the historical interest of black people; and they came to the point in their work where there was a high concentration of elderly people in the area, and some housing provisions would have to be made available. He pointed out that the Housing Authority had reservations for about 200 units to be built, and they were looking for sites for the construction of public housing. He stated that they approached the Housing Authority to build 30 units in the Clarksville area, and the Community Council was in the process of selecting certain sites and taking into consideration the very low density of the area.

He continued by stating that in the process of selecting the sites, they had been told by a number of the City's departments that the City's Crosstown Plan for Clarksville was still a part of the Mass Transportation Plan; and as long as it was a part of that Plan, they would not be able to acquire any land in the area. He stipulated that his appearance was not to ask that the Council become involved with the Comprehensive Plan but to ask that they make a decision on the question of Crosstown in relation to Clarksville. He felt that some decision should be reached as early as possible and that the people in the area not be required to bear the burden of waiting for some point in the distant future when the City may have the funds in order to carry its Mass Transportation Plan. He stated that they would prefer that the plan be modified so that Clarksville could be maintained as an historic neighborhood.

Councilman Lebermann noted that there was a Transportation Plan and Transportation Study Office which had been functioning for about 18 months. He added that there should be something by way of a Comprehensive Transportation Plan by June, but he did not see how the Council could finalize some of the decisions on the drawing board without having the Plan.

In response to this, Dr. Parkins pointed out that by June the Housing Authority would be in the position of having committed the resources for housing. In response to Mayor Butler's question, Dr. Parkins stated that Mr. George Brooking, Executive Director of the Housing Authority, had indicated that he could build 30 units in the area and had the funds.

Mr. Joe Ternus, Urban Transportation Director, understood the situation to mean that public housing could not be authorized in the area because of the fact that there was an official document that showed a freeway in the area. He noted that the route planned was a general location, and he did not think it was necessarily tied together that the Crosstown had to go through the Clarksville area.

Motion

Councilman Friedman moved that the Council pass a resolution instructing the staff to eliminate any possible route of the Crosstown Freeway through Clarksville. Councilman Dryden seconded the motion.

City Manager Davidson pointed out that the Housing Authority was looking at a number of sites, Clarksville being one of those. It was Dr. Parkins' understanding that the Housing Authority was looking for minority areas in which to build housing, and the maximum number for Clarksville would be 25 to 30 out of 256 proposed.

Mr. Davidson suggested that the Housing Authority could be contacted on behalf of the Council and indicate an interest in their coming up with a proposal as to how they would develop housing if the corridor were to be eliminated.

Amendment to Motion

Mayor Butler suggested that Councilman Friedman's motion be amended to become effective if the Housing Authority does come forward and will build a housing unit in there; and if not, it could be left as is.

Councilman Friedman accepted the amendment with the additional clause that the Council express its hope that Clarksville be given top priority.

Councilman Dryden felt that the Council should assure the area's residents one way or the other as to what the Plan would be.

Withdrawal of Amended Motion

Councilman Friedman withdrew his motion; Councilman Dryden withdrew his second.

Motion

Councilman Friedman moved that the staff eliminate any plans of the Freeway going through the Clarksville area and let Dr. Parkins proceed with the residents in working with the Austin Housing Authority. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love,
Councilmen Binder, Dryden, Friedman, Handcox
Noes: None

Councilman Friedman reiterated his statement that he hoped the Austin Housing Authority would give top priority to the Clarksville area.

PROPOSED EQUAL EMPLOYMENT OPPORTUNITY ORDINANCE

Mr. Joe M. Lung, Chairperson of the Human Relations Commission, appeared before the Council to present an Equal Employment Opportunity Ordinance. He stated that the ordinance establishing the Commission stipulated that this Commission would recommend to the Council legislation to aid in programs designed to eliminate prejudice and discrimination and to encourage community support for such legislation. He indicated that the Commission's Subcommittee on Employment had recommended to the Commission an Equal Employment Opportunity Ordinance. He noted that the Commission at its last meeting passed unanimously that "the Human Relations Commission support the philosophy of the accompanying ordinance and submit it to the Council to study with the intent of passing an ordinance that would enable the Human Relations Commission to become an agent of the Equal Employment Opportunity Commission."

He listed the members of the Subcommittee on Employment:

Mr. Mack Ray Hernandez
Ms. Maxine Friedman

Mr. Matt Garcia
Mr. Norman Eaton

Mr. Hernandez stated that they had developed an ordinance to be applied on a local basis which would bring about the impact of Title VII of the 1964 Civil Rights Act. He noted that copies of the proposed ordinance had been distributed. He mentioned that Corpus Christi had a similar ordinance as well as 39 cities across the country.

Ms. Friedman briefly reviewed the ordinance by stating that it dealt with employees in the private sector and exempted federal, state, county and city governmental agencies, religious institutions, domestic servants, and bona fide private membership clubs. She added that the ordinance would declare that it was unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, or physical handicap. She also indicated that the ordinance would enable the City and the Commission to make application for a grant from the E.E.O.C. for the purpose of implementing a deferral agency.

In response to Mayor Butler's question, it was determined that the proposal would effect Labor Unions.

In response to Mayor Pro Tem Love's question, City Manager Davidson stated that it was true that Corpus Christi had adopted the proposal and plan and have contracted for the grant; however, he pointed out that the program was not fully operational because they had not completed their training. Ms. Friedman announced that they had just been informed Corpus Christi had just completed training.

Mr. Hernandez indicated that this would enable Austin to enforce federal law, and the ordinance was needed for two reasons.

1. The E.E.O.C. backlog was very substantial,
2. Congress was no longer putting any money into E.E.O.C.

Mr. Davidson stated that he had distributed a memorandum pointing out some of the things he hoped the Council would consider in this ordinance. He believed that Austin was getting into serious budgetary problems in talking about adding a program of this scope after the budget had already been adopted, even though it would involve the use of federal funds. He noted that whether it was federal dollars or City dollars, his experience had shown him that they would be City dollars. He hoped the Council would study this to realize the full financial impact and what it would do not only to the current fiscal year but in future years.

It was pointed out that the enforcement of the proposed ordinance would be limited to those organizations within the City's limits.

There was discussion concerning a possible date for a public hearing. Councilman Friedman moved that the Council set a public hearing for January 9, 1975, at 1:00 p.m. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Butler, Mayor Pro Tem Love, Councilmen Binder,
Dryden, Friedman, Handcox, Lebermann
Noes: None

WITHDRAWAL OF APPEARANCE

It was noted that Mrs. Barbara Jean Walker, President of Capitol City Young Democrats, had requested to appear before the Council to speak in favor of the proposed E.E.O.C. Ordinance recommended by the Human Relations Commission. Mrs. Walker indicated that she would postpone her remarks until the hearing scheduled for January 9.

REQUEST FOR PARADE PERMIT

Councilman Lebermann moved that the Council approve a request by Ms. Betty Baird Harris, United Cerebral Palsy of the Capitol Area, for a parade permit on December 14, 1974, from 8:30 a.m. to 6:00 p.m. to raise money to support the adult activity center for severely handicapped cerebral palsy victims, beginning at State Farm Building parking lot, north on I. H. 35 access road to Pflugerville Elementary School, south on I. H. 35 access road to State Farm Building. The motion, seconded by Councilman Binder, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Binder, Dryden, Friedman,
Handcox, Lebermann, Mayor Butler
Noes: None

APPROACH MAIN CONTRACTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH FOREMOST LIFE INSURANCE COMPANY; CANNON DEVELOPMENT CORPORATION; AND FAWN RIDGE DEVELOPMENT CORPORATION, PROVIDENT DEVELOPMENT COMPANY AND FOREMOST LIFE INSURANCE COMPANY. (Boggy Creek; N H P Lamar Addition; Circle S Road)

Mayor Pro Tem Love moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACT - ALL READINGS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH BRADFIELD-CUMMINS, INCORPORATED. (Highland Hills, Section 10)

Mayor Pro Tem Love moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

REFUND CONTRACTS - THIRD READING

Mayor Butler brought up the following ordinance for its third reading:

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THE DEPUTY CITY MANAGER TO ENTER INTO CERTAIN REFUND CONTRACTS WITH FARM AND HOME SAVINGS ASSOCIATION AND WALTER CARRINGTON, BUILDER, INCORPORATED. (Peppertree Park, Section 3; The Park at Quail Creek, Section 2)

Mayor Pro Tem Love moved that the ordinance be finally passed. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Handcox, Lebermann, Mayor Butler,
Mayor Pro Tem Love

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed.

The Council recessed at 4:10 p.m.

Mayor Butler called the meeting to order at 4:15 p.m.

AMENDMENT TO CITY CODE

Amending the Austin City Code as follows was postponed until December 19, 1974:

1. Chapter 31, Article II, "Construction and Repair of Sidewalks, Curbs, Gutter, Driveways, and Setbacks." (Sections 31-16 and 31-22)
2. Add to Chapter 31 of Article IV, "Procedures and Standards for Closing or Partially Blocking Streets, Thoroughfares, Sidewalks, and Alleys." (Section 31-45 through 31-58)
3. Chapter 36 of Article VIII, "Requirement for Use of Public Streets." (Section 36-301 through 36-307)

ADDITIONS AND DELETIONS TO SPEED LIMITS

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 21-41, SUBSECTIONS (d) AND (e), AND SECTION 21-42, SUBSECTION (h) OF THE AUSTIN CITY CODE OF 1967, MAKING CERTAIN DELETIONS AND ADDITIONS TO SAID SUBSECTIONS, THEREBY DECLARING MAXIMUM PRIMA FACIE SPEED LIMITS ON CERTAIN STREETS WITHIN SCHOOL ZONES IN THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS," (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Cima Serena and other streets)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1, RUTLAND DRIVE SUBDIVISION, LOCALLY KNOWN AS 2007 RUTLAND DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Robert C. Gray, C14-73-253)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS 1, 2 AND 3, BLOCK 1, ST. JOHNS ADDITION, PLUS A 0.65 ACRE TRACT OF LAND LOCATED EAST OF LOT 1, BLOCK 1, ST. JOHNS ADDITION, SAVE AND EXCEPT THE EASTERN-MOST 180 FEET OF SAID 0.65 ACRE TRACT, AND THE VACATED PORTION OF MARTIN AVENUE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; LOTS 1, 2 AND 3, BLOCK 6, ST. JOHNS ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; LOCALLY KNOWN AS 604-704 DELMAR AVENUE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Henna Chevrolet, Inc. & Gulf Oil Corporation, C14-74-104)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOTS 10 AND 11, BLOCK 10, SUNNYVALE, SECTION 1, LOCALLY KNOWN AS 6401 SOUTH 1ST STREET, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Virgil Polk, et ux, C14-74-138)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT "A," JESSE ADDITION, LOCALLY KNOWN AS 6110 EAST RIVERSIDE DRIVE AND 6111 KASPER STREET, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Jesse Castro, et ux, C14-73-135)

Councilman Friedman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.72 ACRE TRACT OF LAND, LOCALLY KNOWN AS 210 EAST ST. ELMO ROAD, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Odas Jung, C14-70-001)

The ordinance was read the second time, and Councilman Friedman moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Friedman, Handcox, Lebermann,
Mayor Butler

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

ORDINANCE TRANSFERRING FUNDS

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1974-1975, BY TRANSFERRING APPROPRIATED BRACKENRIDGE HOSPITAL ACCOUNT FUNDS TO LIBRARY ACCOUNTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Councilman Lebermann moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Councilman Dryden

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING SANITARY SEWER SYSTEM

Mayor Butler brought up the following ordinance for its second reading:

AN ORDINANCE ESTABLISHING SPECIAL PROCEDURES FOR CONNECTING TO THE WASTEWATER SYSTEM FOR RESIDENCES WITHIN THE CITY LIMITS, WITHIN 100 FEET OF A SEWER LINE, BUT ON A SEPTIC TANK BY AMENDING SECTION 1-I OF ORDINANCE NO. 741003-D AS AMENDED BY ORDINANCE NO. 741114-G; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

The ordinance was read the second time, and Councilman Lebermann moved the Council waive the requirement for the third reading, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Lebermann, Mayor Butler,
Councilman Dryden

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Love,
Councilman Binder

The Mayor announced that the ordinance had been finally passed.

ORDINANCE CONCERNING IMPROVEMENTS

Mayor Butler introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.
(Henderson and West 9th and 10th)

Councilman Handcox moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Handcox, Lebermann, Mayor Butler, Mayor Pro
Tem Love, Councilman Dryden

Noes: Councilmen Binder, Friedman

The Mayor announced that the ordinance had been finally passed. Councilman Friedman felt that this area was involved with all sorts of permits and wondered if this was really necessary at the present.

AMENDMENT TO OPERATING BUDGET

Mayor Butler brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING ORDINANCE NO. 740919-B TO APPROPRIATE FROM UNAPPROPRIATED GENERAL FUNDS AND TRANSFER TO THE CITY CLERK'S OFFICE THE AMOUNT OF \$61,196.00; AUTHORIZING ADDITIONAL ASSISTANT CITY CLERKS; PROVIDING FOR NECESSARY TRANSFERS AND ADJUSTMENT; AND DECLARING THIS ORDINANCE TO BE SEVERABLE.

Motion

Councilman Binder moved that the ordinance be passed through its third and final reading. Councilman Handcox seconded the motion. Roll call showed the following vote:

Ayes: Councilmen Binder, Handcox, Friedman
Noes: Councilman Lebermann, Mayor Butler, Mayor Pro Tem Love, Councilman Dryden.

The Mayor announced that the motion had failed to carry.

Mayor Pro Tem Love noted that the Charter outlined that there would be three readings for ordinances in order to give the Council an opportunity to receive input from citizens. He felt that the majority of the citizens did not want the increased expenditure, and he had decided to change his vote.

Councilman Dryden agreed with Mayor Pro Tem Love and felt it was a Councilman's privilege to change his vote; and he admired Mayor Pro Tem Love.

REPORT ON UTILITY DEPOSIT AND COLLECTION POLICIES

It was noted that the Council had before it a report on Utility Deposit and Collection Policies. Mr. Bill Harrison, Director of Finance, noted that under the direction of the City Manager, the staff had arrived at the following amendments to the current policies and procedures:

1. Deposit requirements modified to eliminate the requirement for the deposit for resident homeowners and for commercial customers with established evidence of financial responsibility acceptable to the City.
2. Service made subject to disconnection for nonpayment after the second month's bill is past due. Current policy is to disconnect after the third month's bill becomes delinquent.
3. A collection fee of \$3.00 for collection of bad checks when it is necessary to send a collector to obtain payment. In addition, after service has been discontinued for nonpayment, there is a proposed reconnection fee of \$3.00 during working hours and \$5.00 after hours.
4. Utility collection personnel will accept payment of the past due balance. Current practice is to require payment of the entire bill after final notice has been rendered.

5. A modified and a more precisely worded final notice will be utilized.
6. A formal new appeals procedure is included to provide for appeal of final notice or disconnection of service to a hearings officer appointed by the City Manager. During the appeal process, utility service will be continued.

In response to Councilman Friedman's question, Mr. Homer Reed, Deputy City Manager, stated that the disconnection after the second month's bill instead of the third month's would be making the policy uniform for everyone.

Mr. Harrison stated that most of these had met with the proposal prepared by Mr. Bill Allison, representing Legal Aid; however, one principle in the ordinance provided for 12 months of service without disconnection for certain categories of customers who for health or other reasons might be unable to pay. He noted that the Legal Department had felt this would be contrary to the provision of utility revenue bond ordinances. He pointed out that it had been suggested that the only way the City could deal with this type of welfare problem would be by general fund appropriation with administration of the funds through another City department or by contract with a welfare agency.

Mr. Harrison concluded that these were presented as guidelines, and whatever the Council approved would be incorporated into utility service regulations.

Councilman Friedman did not feel anything was being accomplished by making the procedure uniform in this manner in that the whole concept was to lengthen the period of time so that people would not have to use their social security check just to pay their utility bills. He felt there should be some way to extend to those classes of citizens who have been burdened by ever-increasing utility costs.

In response to Councilman Friedman's comments, Mr. Harrison felt that there were two problems:

1. The provision in the City's bond ordinance that states that "the city covenants and agrees that no free service shall be rendered by the system to any customer..."
2. Those citizens on social security are those who have problems, and the condition does not get better down the line.

Mr. Reed mentioned that there would be a policy for credit arrangements, whereby the customer could pay one-third of the bill plus remain current on bills. This could be scheduled over a 6-month period.

It was pointed out that other agencies throughout the City were assisting in payments of bills. In response to Mayor Butler's question as to how many people were burdened by the situation, Mr. Allison did not have any idea; but he noted that there were 50,000 citizens beyond the poverty level. In response to Mayor Butler's further question concerning the number just "hovering" over disconnection, Mr. Allison thought there might be 1,200.

Mr. Allison suggested that the due date for payment of bills be extended from 15 days to 30 days. He submitted that the money was going to have to come from somewhere and thought one alternative would be a change in the rate structures and felt a flat rate would favor those on a lower economical scale.

Councilman Lebermann suggested that Mr. Harrison develop some numbers of what the bottom line is going to be with regard to those who are being disconnected, those who are behind, and those in a situation where it would be virtually impossible to catch up. He also suggested that Mr. Jim Miller with the aid of the Community Council determine what sort of structures or vehicles could be utilized to solve this problem outside the utility department in connection with other agencies working in these fields and with the County.

Mr. Allison commented that he would like to see statistics as to the number of notices mailed each month and the number of terminations carried out. Mr. Reed stated that he would be happy to provide this report and would request Caritas to give a report on their activities in this field.

Rev. Wilson Wade, St. Luke's United Methodist Church, noted that there were many who were concerned about this and felt that the City was obliged for health reasons to make sure everyone had water and power. He did not think the City should allow the people to be hurting.

Mr. Harrison pointed out that this was an increasing problem, and the amounts owed were higher than in the past.

Councilman Lebermann requested that the City Manager's report be completed by the first meeting in January.

Mr. Jerry Crees, representing Child Welfare, cited an example of a woman burdened by her electric bill. He suggested that people might benefit if someone could verify that the customer could not pay his own bill.

Mr. Reed noted that the staff would be happy to respond with their report by January 2, 1975, and asked if the Council would like to act on the appeal procedure and other policies as recommended.

Councilman Lebermann stated that he would like an additional week to look over the recommendations.

Councilman Dryden felt that the poor should be dealt with in a different manner and hoped that before someone's electricity was cut off, a representative of the City made contact with the person. Mr. Harrison noted that the person received a notice with his bill asking him to come to the Water and Light Office, and 5 to 10 days after the due date a collector goes to the home.

ADJOURNMENT

The Council adjourned at 5:20 p.m.

ATTEST:

APPROVED

Grace Monroe
City Clerk

Ray Butler
Mayor